

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
 Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/662,405
		Filing Date	9/14/2000
		First Named Inventor	Ismail Eldumiaty
		Examiner Name	Pankaj Kumar
		Art Unit	2631
Total Number of Pages in This Submission	7	Attorney Docket Number	01CON267P

ENCLOSURES <i>(check all that apply)</i>			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):	
		1. Postcard	
		2. Issue Fee Cover Sheet	
		3. Comments on Statement of Reasons for Allowance	
		Remarks	
<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53			

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Farshad Farjami, Esq., Reg. No. 41,014 Farjami & Farjami, LLP
Signature	
Date	September 30, 2005

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at facsimile number (703) 872-9306 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Type or printed name	Christina Carter		
Signature		Date	September 30, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

In you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): **Eldumiati, et al.**

Application Serial No.: **09/662,405**

Filed: **September 14, 2000**

Title: **Processing Diagnostic and  
Identification Data in an Analog  
Modem System**

Group Art Unit: **2631**

Examiner: **Kumar, Pankaj**

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

These Comments on Statement of Reasons for Allowance are filed in response to the Notice of Allowance, dated September 12, 2005, in the above-referenced patent application.

The Examiner provides a collective statement of reasons for allowance of claims 30-38 and 40-48, for including the following limitations: “transmitting and receiving during physical handshaking process as claimed.”

Applicant respectfully submits that although independent claims 30 and 45 include such limitations, independent claims 34 and 38 do not include such limitations. Applicant would like to clarify that applicant’s reference to claims 1 and 30 in support of patentability of independent claims 34 and 38, in response to the final Office Action, is limited to arguments and distinctions made with respect to claim elements that are shared between independent claims 1 and 30, and

independent claims 34 and 38.

In other words, claim 1 includes the following limitations “wherein said identification data are indicative of a manufacturer identity of said first modem and a particular modem version number of said first modem,” and claim 30 includes the following limitations “wherein said first modem manufacture parameters are indicative of a manufacturer identity of said first modem and a particular modem version number of said first modem.”

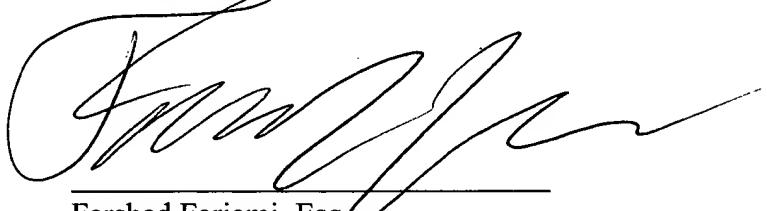
Similar to claims 1 and 30, claims 34 includes the following limitations “wherein said first modem manufacture parameters are indicative of a manufacturer identity of said first modem and a particular modem version number of said first modem,” and claim 38 includes the following limitations “wherein said first modem manufacture parameters are indicative of a manufacturer identity of said first modem and a particular modem version number of said first modem.”

In response to the final Office Action, applicant explained as follows:

Moreover, with respect to rejection of claim 30, Scott merely discloses Modem ID 610 in Fig. 4, and fails to disclose transmitting a first modem manufacturer parameter and receiving a second modem manufacturer parameter. However, the Examiner states that “Challenge 615” in Fig. 4 of Scott discloses “receiving a second modem manufacturer parameter.” Applicant respectfully disagrees. There is no teaching in Scott that “Challenge 615” is a modem manufacturer parameter, which is a predetermined number. In fact, “Challenge 615” is a randomly generated number, whereas “Modem ID 610” is a predetermined number assigned to the originating modem. (Col. 4, lines 41-60.) Accordingly, Challenge 615, which is a random number,” is not and cannot be a modem manufacturer parameter. Notwithstanding the foregoing; however, applicant amended claim 30 for further clarification to state that the first and second modem manufacturer parameters are indicative of a manufacturer identity and a particular modem version number of the first and second modems.

Applicant respectfully submits that independent claims 34 and 38 are patentable for the above reasons stated in conjunction with patentability of claims 1 and 30. Applicant respectfully submits that the Examiner's collective statements of reasons, for allowance of the independent claims, relate to each independent claim to the extent that such independent claim includes the limitations recited by the Examiner in the Notice of Allowance. Applicant respectfully requests a clarification from the Examiner if the Examiner disagrees with applicant's statements.

Respectfully Submitted;  
FARJAMI & FARJAMI LLP



Farshad Farjami, Esq.  
Reg. No. 41,014

Farshad Farjami, Esq.  
FARJAMI & FARJAMI LLP  
26522 La Alameda Ave., Suite 360  
Mission Viejo, California 92691  
Telephone: (949) 282-1000  
Facsimile: (949) 282-1002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "First Class Mail Post Office to addressee" under 37 C.F.R. Sec. 1.10 addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on 9/30/05.

Name

Signature

Christina Carter Christina Carter